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In his Official Capacity

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN MARIANA ISLANDS**

PAUL MURPHY,

Plaintiff,

v.

Anthony Iglecias Macaranas, in his official
capacity as Commissioner of the Department
of Public Safety of the Northern Mariana
Islands

Defendant.

Civil Action No. 1-24-CV-00012

**STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A) AND TO
VACATE OCTOBER 31, 2024
HEARING**

Pursuant to Federal Rule of Civil Procedures 41(a)(1)(A), Plaintiff, Paul Murphy, pro se and Defendant, Commissioner Anthony Macaranas in his official capacity as Commissioner of the Department of Public Safety, by and through his attorney of record, Chief Solicitor, J. Robert Glass, Jr., hereby file this Stipulation of Voluntary Dismissal.

On September 3, 2024, Plaintiff filed his Complaint for Declaratory and Injunctive Relief. ECF 1. A summons was issued that same day and served on Sergeant Gabriel Manglona of the NMI Department of Public Safety ("DPS"). ECFs 1 and 2. A return of service was filed on September 4, 2024. ECF 2.

On September 23, 2024 Plaintiff filed his Motion for Summary Judgment. ECF 3. A hearing was set for October 31, 2024.

On September 24, 2024 Defendant filed his Motion to Dismiss. ECF 4. A hearing was set for October 31, 2024.

On September 25, 2024, Plaintiff filed his Motion to Withdraw Motion for Summary Judgment. ECF 6. In his Motion, Plaintiff requested the Court "to withdraw his motion for

1 summary judgment and his complaint for declaratory and injunctive relief.” *Id.* A hearing for this
2 motion was also set for October 31, 2024.

3 On September 26, 2024, the parties met and conferred via email regarding the Motion to
4 Withdraw and to seek clarification of whether Plaintiff was seeking dismissal. Plaintiff clarified
5 that he was seeking to dismiss the action in his Motion to Withdraw.

6 Therefore, the parties stipulate to Plaintiff’s Voluntary Dismissal of the case in accordance
7 with Federal Rule of Civil Procedure 41(a)(1)(A) which states:

8 **(a) Voluntary Dismissal.**

9 **(1) By the Plaintiff**

10 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2,
11 and 66 and any applicable federal statute, the plaintiff may dismiss an
12 action without a court order by filing:

- 13 (i) a notice of dismissal before the opposing party serves either
14 an answer or a motion for summary judgment; or
15 (ii) a stipulation of dismissal signed by all parties who have
16 appeared.

17 (B) *Effect.* Unless the notice or stipulation states otherwise, the
18 dismissal is without prejudice. But if the plaintiff previously
19 dismissed any federal- or state-court action based on or including the
20 same claim, a notice of dismissal operates as an adjudication on the
21 merits.

22 The parties note that this dismissal is being filed prior to any Answer or Motion for
23 Summary Judgment by the Defendant and includes all parties who have appeared in this case.

24 While the Rule does not require an order for the Court, the parties will submit one in order
25 to ensure a clean and clear record. Further, because the parties are stipulating to the Plaintiff’s
26 Voluntary Dismissal of the case, they further stipulate to vacate the October 31, 2024 hearing date
27 for the currently pending motions.

28 Respectfully Submitted,

September 26, 2024

1 CNMI OFFICE OF THE ATTORNEY GENERAL
2 EDWARD MANIBUSAN, ATTORNEY GENERAL

3 By: /s/ J. Robert Glass, Jr.

4 J. Robert Glass, Jr., Bar No. F0523

Chief Solicitor

5 Attorney for Defendant Anthony Macaranas in
6 his official capacity as the Commissioner of the
7 Department of Public Safety

8 By: /s/ Paul Murphy

9 Paul Murphy, Plaintiff

10 Pro se